UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THOMAS GLENWRIGHT, et al.,

Plaintiffs,

v.

XEROX CORPORATION,

Defendant.

SCHEDULING ORDER

07-CV-6325L

Pursuant to the order of the Hon. David G. Larimer, United States District Judge, referring the above case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Fed. R. Civ. P. Rule 16(b) and Local Rule 16.1(a), and a conference having been held on **October 31, 2007** with counsel relative to the matter, it is ORDERED that:

1. All mandatory disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure, as well as any objections to the mandatory disclosure requirements, shall be completed on or before **November 28, 2007**.

2. All motions to join other parties, to amend the pleadings and to identify the "John Doe" plaintiffs shall be filed on or before **December 28, 2007**. Any third party action shall be commenced on or before **December 28, 2007**.

3. A **status conference** will be held with the undersigned at 2310 U.S. Courthouse, Rochester, New York on **August 6, 2008**, at **11:00 a.m.**, to discuss the status of the case and the possibility of settlement.

4. All factual discovery in this case, including depositions, shall be completed on or before **August 28, 2008**. All motions to compel discovery shall be filed at least thirty (30) days prior to the factual discovery cutoff.

5. Plaintiffs shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **June 13, 2008**. Defendant shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **July 18, 2008**. Parties shall complete all discovery relating to experts, including depositions, by **September 19, 2008**.

6. Dispositive motions, if any, shall be filed no later than **October 3, 2008**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Larimer.

7. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(d) and Local Rule 16.1(f) will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

(1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.

(2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.

(3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.

(4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.

Marian W Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
October 31, 2007